IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 32939 of 2007(U)

PETITIONER:

V.R.OJES, PMC XI/353, KARTHIKA,
IRINGOLE P.O., PERUMBAVOOR, ERNAKULAM.

BY ADV. SRI.K.I.SAGEER

RESPONDENT:

THE ASSISTANT GENERAL MANAGER (RECOVERY)
KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION LTD., 2ND FLOOR, CHOICE TOWERS, MANORAMA JUNCTION, COCHIN.

BY ADV. SRI. SAJI VARGHESE, SC FOR KSIDC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 32939 OF 2007 U
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Dated this the 7th day of November, 2007

J U D G M E N T

The auction sale conducted by the respondent has been confirmed in the petitioner's favour. Ext.P2 is the conditions of the sale and clause 16 of Ext.P2 provides that the successful bidder shall pay 25% of the bid amount within 10 days from the date of confirmation of the sale and that the balance amount shall be paid within 30 days from the date of confirmation. Petitioner submits that by Ext.P1 dated 24th October 2007, sale has been confirmed in his favour, but however, he has been asked to deposit the full sale consideration, although his obligation is only to pay 25% within 10 days.. This is the complaint of the petitioner and he seeks time as contemplated in Clause 16 of the tender conditions.

2. I heard the standing counsel for the respondent also.

3. It is pointed out on behalf of the respondent that in the absence of averment of having complied with deposit of 25% of the bid amount, the petitioner would not have deposited 25% within the time specified in Ext.P2 and hence petitioner cannot be

given any relief. I do not find any merit in the objection raised by the respondent for the reason that petitioner was not permitted to deposit 25% in terms of Clause 16 while issuing Ext.P1. As against the tender conditions, he was called upon to deposit 100%. Therefore even if he has not deposited 25% as per Clause 16, on receipt of Ext.P1, petitioner cannot be faulted.

4. In view of this, I am inclined to dispose of this writ petition with the following directions.

That the petitioner shall deposit 25% of the bid amount within 15 days from today and that the balance amount shall be paid within 30 days from today. If he makes remittance as directed, the sale of which has been confirmed in his favour shall be transferred to him.

ANTONY DOMINIC, JUDGE.

Rp